

EXHIBIT 3

From: Monica McCarroll <MMcCarroll@redgravellp.com>
Sent: Thursday, December 19, 2019 5:53 PM
To: Noonan, Jeanne E.; Peterson, Ashley P.; Evans, Jason D.
Cc: Lacy, Michael E.
Subject: CSXT v. NSR - NSR Comments to CSXT Search Terms (12192019).pdf [IWOV-Active.FID39729]
Attachments: CSXT v. NSR - NSR Comments to CSXT Search Terms (12192019).pdf

Jeanne, Ashley and Jason,

As discussed on Friday, the attached summary documents most of the issues we raised regarding CSXT's search terms during the meet and confer. One issue we are still working on relates to the 'geographic limitation' terms. As discussed, it is NSR's position that certain terms run by CSXT to date should not be limited to the Virginia ports. Accordingly, we have identified the following terms that reflect ports outside of Virginia:

Montreal OR Quebec OR Halifax OR "Saint John" OR "St. John" OR "Little Ferry" OR "North Bergen" OR Kearny OR "Elizabeth Marine Terminal" OR EZMT OR "New York" OR NYCT OR "Newark" OR PNCT OR Philadelphia OR Baltimore OR "Seagirt Marine Terminal" OR Wilmington OR Charleston OR Savannah OR Jacksonville OR ICTF OR Lauderdale OR Miami OR POMTOC OR Everglades OR Tampa OR "New Orleans" OR Houston OR Gulfport OR Mobile OR "Los Angeles" OR LATC OR "Long Beach" OR ICTF OR "San Francisco" OR Oakland OR Portland OR Tacoma OR Seattle OR Vancouver OR Panama

We are continuing to test and refine these terms in conjunction with others that together are designed to target documents in response to RFPs related to competition issues (e.g., RFPs, 31, 32, 35, 36, 46, 47, 50, 52). However, the process is moving a bit slower than anticipated. In light of the pending holidays, we wanted to circulate the attached for your consideration and will propose additional terms in short order. Please let us know if you have any questions or would like to schedule a call before year-end to discuss further.

Regards,

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- A. The following requests appear to have no search terms targeted at them: **RFPs 19, 47, 52, 53, 58, 69, 83, 91-104**. If this was intentional, please advise the basis for such a decision and/or let us know if you would like to schedule a meet and confer to discuss. Alternatively, please identify/update the terms targeted at these RFPs.
- B. Certain terms are under-inclusive as written and should be expanded:

1. Terms using abbreviations only should be expanded to include the proper name of the item being abbreviated, e.g.,

CSXT term:

x AND (Virginia or “Hampton Roads” or VA or NIT or VIG or PMT)

NSR proposed expansion:

x AND (Virginia or “Hampton Roads” or VA or NIT or “**Norfolk International Terminal**” or VIG or “**Virginia International Gateway**” or PMT or “**Portsmouth Marine Terminal**”)

2. Terms using exact phrases only that are not proper names should be expanded to include connectors and expanders, e.g.,

CSXT terms:

“trucking services”

“switch rate”

“switch service”

“vertical clearance”

“double stack”

“on dock rail”

“near dock rail”

“service proposal”

“rate proposal”

“spot market”

“short line”

“interline switch settlement”

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NSR proposed expansion:

(Truck* w/2 servic*)
(switch* w/2 rat*)
(switch* w/2 servic*)
(Vertical w/2 clearanc*)
(double* w/2 stack*)
(On w/2 dock* w/2 rail*)
(“on-dock” w/2 rail*)
(near w/2 dock* w/2 rail*)
(“near-dock” w/2 rail*)
(service w/2 propos*)
(rate* w/2 propos*)
(spot w/2 market*)
(short w/2 line*)
(interline w/2 switch)

3. Terms that are prone to misspellings, should be expanded to include common misspellings, e.g.,

CSXT term:

Maersk

NSR proposed terms:

Marsk

Mersk

Mearsk

CSXT term:

“Hapag Lloyd”

NSR proposed terms:

“Hapog Lloyd”

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“Hapog Loyd”

“Hapag Loyd”

“Hopag Lloyd”

“Hopag Loyd”

CSXT term:

Hyundai

NSR proposed terms:

Hundai

Hunday

Hyunday

Hyundia

CSXT term:

Hanjin

NSR proposed terms:

Honjin

Hangin

Hongin

Hanjyn

Hangyn

Hongyn

CSXT term:

Perdue

NSR proposed terms:

Purdue

4. Terms used differently by the parties, should be expanded to include both versions:

CSXT terms:

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“Carolina Juncture”

“NS Juncture”

NSR proposed terms:

“Carolina Junction” or “Carolina Junct*”

“NS Junction” or “NS Junct*”

5. Certain phrases may not reflect fully how CSXT referred to the underlying issue internally, e.g.,:

“2010 Proposal”

“2018 Proposal”

“1897 Operating Agreement”

NSR requests that any additional internal terms used to refer to these items also be run.